IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 11679 of 2005

Between:

G.Ganga Raju, S/o.Jaggaiah,

Aged 55 years, Occ:Fair Price Shop Dealer,

Shop No.17, R/o.Pothuluru village,

Prathipadu(M), East Godavari Mandal.

... PETITIONER

AND

1. The Joint Collector, East Godavari District at Kakinada.

2. The Revenue Divisional Officer, Peddapuram, East Godavari District.

3. The Mandal Revenue Officer, Prathipadu (M), East Godavari District.

.RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue appropriate writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not supplying the essential commodities to the petitioner (Fair Price Shop Dealer) of Shop No.17 of Pothuluru village, Prathipadi Mandal, East Godavari district as illegal, arbitrary and unjust and consequently direct the respondents to supply the essential commodities as long as the authorization is neither suspended nor cancelled.

Counsel for the Petitioner : MR.K.VENKATESH

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

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ORDER:

Heard both sides. Perused the material placed before me.

The only grievance of the petitioner is that stocks of essential commodities are not being released to him to distribute the same to the cardholders in spite of the fact that his authorization as a fair price shop dealer is neither suspended nor cancelled.

In similar circumstances, this Court had already taken a view that mere pendency of proceedings under Section 6-A of the Essential Commodities Act against the fair-price shop dealer shall not be a ground for denial of release of stocks.

Having regard to the facts and circumstances of the case and the view taken by this Court earlier in similar matters, the respondents are directed to release the stocks of essential commodities to the petitioner for the purpose of distributing the same to the cardholders attached to the fair-price shop, provided the authorization of the petitioner as fair price shop dealer is not cancelled or suspended.

With the above observations and directions, the writ petition is disposed of at the stage of admission. No costs.

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K.C. BHANU, J.

Date: 24.5.2005.

Dvs/Gs

To

1. The Joint Collector, East Godavari District at Kakinada.

2. The Revenue Divisional Officer, Peddapuram, East Godavari District.

3. The Mandal Revenue Officer,

Prathipadu (M), East Godavari District.

4. Two CCs to the G.P. for Civil Supplies, High Court of A.P.,
Hyderabad (O.U.T.)

5. 2 CD copies

HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.11679 of 2005

24th May, 2005